



SENATE REPUBLICAN

POLICY COMMITTEE

## Legislative Notice

No. 8

March 27, 2007

### **H.R. 1591 - Emergency Supplemental Appropriations Act for 2007**

Calendar No. 84

*H.R. 1591 was received from the House on March 23, 2007, and placed on the Senate Calendar.*

#### **Noteworthy**

- On Monday, March 26, the Senate began consideration of H.R. 1591, the House-passed appropriations bill. The Senate then immediately adopted Byrd Amendment 641 as a substitute, which is S. 965, the version of the emergency supplemental reported out of the Senate Appropriations Committee on March 22. [See committee report, S. Rept. 110-37.]
- On Monday, cloture was filed on the bill. All first degree amendments must be filed by 2:30 pm on Tuesday, and a cloture vote will occur on Wednesday.
- The Senate bill recommends a net of \$121.66 billion in appropriations. In comparison, the President requested \$103.02 billion— a difference of nearly \$19 billion.
- The bill's Title I provides \$102.5 billion in funding for the Global War on Terror, which is nearly \$2.9 billion more than was requested.
- The bill's Title II provides \$14.9 billion in supplemental funding for hurricane recovery and veterans' care, which is \$11.5 billion more than was requested. The bill also provides \$4.19 billion in emergency farm relief, none of which was requested.
- Part of section 1315 of the Senate bill contains language essentially identical to S.J.Res. 9, which the Senate rejected on March 15. It, in part, provides the timeline for withdrawal and constraints on the President's ability as Commander-in-Chief to direct the use of force in Iraq. On March 14, the President promised to veto S.J.Res. 9 if it were presented to him.
- On March 27, the President issued a veto threat on two aspects of the bill – the provisions requiring a date certain for withdrawal of the troops and constraints on the Commander-in-Chief, and also on the bill's "largely unjustified and non-emergency" non-requested funds.
- Many amendments are anticipated, including Senator Cochran's SA643 to strike part of Section 1315, as well as other amendments to strike non-requested funds. Also expected is an amendment by Senators Grassley and Baucus to provide a small business tax relief package to offset the costs of an increase in the federal minimum wage.

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## Highlights

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(in billions of dollars)	<b><u>Bush Request</u></b>	<b><u>Committee-reported Bill</u></b>
<b>Title I (War on Terror)</b>	\$ 99.6	\$ 102.5
<b>Title II (Hurricane Recovery &amp; Veterans Care)</b>	3.4	14.9
<b>Title III (Other)</b>	0	.1
<b>Title IV (Emergency Farm Relief)</b>	0	4.2
<b>TOTAL<sup>1</sup></b>	\$ 103.0	\$ 121.7

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## Bill Provisions

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### Title I – Global War on Terror Supplemental Appropriations

#### Chapter 1: Subcommittee on Agriculture, Rural Development, and Related Agencies

**Foreign Agricultural Service:** Provides \$475 million for Public Law 480 Title II Grants, which is \$125 million above the President's request and \$25 million above the House-passed bill. This program uses U.S. food to feed and improve the well-being of hungry populations in poor countries.

#### Chapter 2: Department of Justice

**Legal Activities:** Provides \$9.1 million for General Legal Activities and U.S. Attorneys associated with national security investigations and prosecutions, which is equal to the President's request but \$2.5 million above the House-passed bill.

**United States Marshals Service:** Provides \$25.0 million to provide security for high threat terrorist trials and increased security for judicial and witness security in Iraq and Afghanistan, which is \$10.1 million above the President's request and \$22.3 million above the House-passed level. Of these funds, \$10.1 million is provided to upgrade security at the District of Columbia Courthouse.

**National Security Division:** Provides \$1.7 million for the National Security Division to support investigations and prosecutions related to the global war on terror, which is equal to the President's request and the House-passed bill.

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<sup>1</sup> Figure totals were taken from S. Rept. 110-37. Any difference in the totals is due to rounding.

**Federal Bureau of Investigation (FBI):** Provides \$348.3 million for FBI operations in Iraq and Afghanistan, and additional funding for the ongoing global war on terror, which is \$230.0 million above the President’s request and the House-passed bill. Of this funding, \$10.0 million is to implement corrective actions in response to the finding and recommendations in the Department of Justice Office of Inspector General report entitled, “A Review of the Federal Bureau of Investigation’s Use of National Security Letters.”

**Drug Enforcement Administration (DEA):** Provides \$25.1 million to hire additional DEA staff, to support narco-terrorism investigations, and to attack the financial infrastructure of drug-trafficking organizations operating in Afghanistan, which is \$16.6 million above the President’s request and the House-passed bill.

**Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF):** Provides \$4.0 million for ATF for costs of operations in Iraq, which is equal to the President’s request and the House-passed bill.

**Federal Prison System:** Provides \$17.0 million to monitor incarcerated terrorists, collect intelligence, and coordinate with and disseminate relevant information to other law enforcement agencies, which is equal to the President’s request and the House-passed bill.

### Chapter 3: Subcommittee on Defense

H.R.1591 provides \$92.03 billion to the Department of Defense for contingency operations related to the global war on terror.

**Military Personnel:** Provides \$13.44 billion for the Department’s Military Personnel, which is \$1.09 billion above the President’s request but \$131.5 million below the House-passed bill.

<b>Military Personnel (in millions)</b>	<b>Request</b>	<b>House- passed</b>	<b>Senate Committee</b>	<b>Committee v. request</b>	<b>Committee v. House</b>
Army	8,510.27	8,878.90	8,870.27	360.00	-8.63
Navy	692.13	1,100.41	1,100.41	408.28	0.00
Marine Corps	1,386.87	1,495.83	1,495.83	108.96	0.00
Air Force	1,101.29	1,229.33	1,218.59	117.30	-10.75
Army Reserve	147.24	173.24	147.24	0.00	-26.00
Navy Reserve	72.80	82.80	77.52	4.72	-5.28
Marine Corps Reserve	0.00	15.00	0.00	0.00	-15.00
Air Force Reserve	3.00	14.10	9.07	6.07	-5.03
Army National Guard	436.03	552.73	474.98	38.95	-77.75
Air Force National Guard	0.00	24.60	41.53	41.53	16.93
	12,349.62	13,566.94	13,435.45	1,085.82	-131.49

**Operation and Maintenance:** Provides \$48.78 billion for Operation and Maintenance accounts in support of Operation Iraqi Freedom and Operation Enduring Freedom, which is \$1.36 billion below the President’s request and \$3.72 billion below the House-passed bill. This spending provides

funds for the incremental cost of ground operations, flying hours, logistics support, fuel, travel, and transportation. The majority of the “surge” costs are operation and maintenance costs.

<b>Operations and Maintenance (in millions)</b>	<b>Request</b>	<b>House- passed</b>	<b>Senate Committee</b>	<b>Committee v. request</b>	<b>Committee v. House</b>
Army	20,423.38	20,897.67	20,373.38	-50.00	-524.29
Navy	5,040.48	5,115.40	4,865.00	-175.48	-250.39
Marine Corps	1,401.59	1,503.69	1,101.59	-300.00	-402.10
Air Force	7,035.88	6,909.26	6,685.88	-350.00	-223.38
Defense-wide	3,279.31	2,855.99	2,790.67	-488.64	-65.32
Army Reserve	74.05	74.05	74.05	0.00	0.00
Navy Reserve	111.07	111.07	111.07	0.00	0.00
Marine Corps Reserve	13.59	13.59	13.59	0.00	0.00
Air Force Reserve	10.16	10.16	10.16	0.00	0.00
Army National Guard	83.57	133.57	83.57	0.00	-50.00
Air Force National Guard	38.43	38.43	38.43	0.00	0.00
Afghanistan Security Forces Fund	5,906.40	5,906.40	5,906.40	0.00	0.00
Iraq Security Forces Fund	3,842.30	3,842.30	3,842.30	0.00	0.00
Iraq Freedom Fund	455.60	155.60	455.60	0.00	300.00
Joint IED Defeat Fund	2,432.80	2,432.80	2,432.80	0.00	0.00
Strategic Reserve Readiness Fund	0.00	2,500.00	0.00	0.00	-2,500.00
	50,148.61	52,499.98	48,784.49	-1,364.12	-3,715.49

Despite numerous and various Democrat charges that the Administration is ignoring allies in its foreign policy, the Committee provided \$500.0 million for programs related to supporting coalition efforts in the war against Islamist terrorists, which is \$450.0 million less than the President’s request.

**Procurement:** Provides \$24.51 billion for procurement in various procurement accounts, which is \$308.9 million below the President’s request and \$306.0 million below the House-passed bill. This spending provides funds for force protection equipment, the restoration of equipment lost in operations, the recapitalization of equipment used in operations, and the equipping of units supporting upcoming rotations.

<b>Procurement (in millions)</b>	<b>Request</b>	<b>House- passed</b>	<b>Senate Committee</b>	<b>Committee v. request</b>	<b>Committee v. House</b>
Army Aircraft	627.75	461.85	619.75	-8.00	157.90
Army Missile	160.17	160.17	111.47	-48.70	-48.70
Army Weapons and Tracked Combat Vehicles	3,502.32	3,474.39	3,400.32	-102.00	-74.07
Army Ammunition	681.50	681.50	681.50	0.00	0.00
Army Other	10,946.69	10,197.40	10,589.27	-357.41	391.87
Navy Aircraft	730.71	995.80	963.90	233.19	-31.89
Navy Weapons	171.81	171.81	163.81	-8.00	-8.00

Navy and Marine Corps Ammunition	159.83	159.83	159.83	0.00	0.00
Navy Other	745.43	937.41	722.51	-22.92	-214.90
Marine Corps Procurement	2,055.72	1,885.38	1,703.39	-352.33	-181.99
Air Force Aircraft	1,726.34	2,474.92	1,431.76	-294.58	-1,043.16
Air Force Missile	140.30	140.30	78.90	-61.40	-61.40
Air Force Ammunition	95.80	95.80	6.00	-89.80	-89.80
Air Force Other	2,092.75	2,042.18	1,972.13	-120.62	-70.05
Defense-wide	979.38	934.93	903.09	-76.29	-31.84
National Guard and Reserve Equipment	0.00	0.00	1,000.00	1,000.00	1,000.00
	24,816.49	24,813.67	24,507.63	-308.86	-306.04

The Committee provide \$1.83 billion for the mine resistant ambush protected vehicle (MRAP). The Committee also provided, without explanation, \$1.00 billion for national guard and reserve equipment, all of which was not requested by the President.

**Research, Development, Test and Evaluation:** Provides \$1.19 billion in various research, development, test, and evaluation accounts, which is \$257.3 million below the President's request and \$155.1 million below the House-passed bill. This spending provides funds that support Army modularity, force protection, equipment improvements, and classified activities.

Research and Development (in millions)	Request	House-passed	Senate Committee	Committee v. request	Committee v. House
Army	115.98	60.78	125.58	9.60	64.80
Navy	460.18	295.74	308.21	-151.96	12.48
Air Force	220.72	132.93	233.87	13.15	100.94
Defense-wide	650.86	545.90	522.80	-128.06	-23.10
	1,447.74	1,035.35	1,190.46	-257.28	155.11

**Revolving and Management Funds:** Provides \$1.32 billion for Revolving and Management Funds, which is equal to the President's request and the House-passed bill.

**Other Department of Defense Programs:** Provides \$2.72 billion for a range of Department programs, which is \$1.34 billion above the President's request but \$327.3 million below the House-passed bill. This funding includes: \$2.47 billion for the Defense Health Program and \$254.7 million for Drug Interdiction and Counter-Drug Activities (only in Afghanistan and Pakistan), which is \$4.5 million less than the President's request.

**Related Agency:** Provides \$71.7 million for the Intelligence Community Management Account, which is \$5.0 million above the President's request and \$14.3 million above the House-passed bill.

## **General Provisions**

- Section 1307 provides up to \$456.4 million for the Commander's Emergency Response Program (CERP) in Iraq and Afghanistan.
- Section 1310 provides that no funds may be expended to establish a permanent military base in Iraq, or exercise control over any oil resource of Iraq.
- Section 1311 provides that no funds may be expended in contravention of the various laws and regulations implementing the United Nations Convention Against Torture.
- Section 1313 directs the Secretary of Defense to inspect military medical treatment and housing facilities.
- Section 1315 purports to revise U.S. policy on Iraq, namely to
  1. provide a date certain for the withdrawal of U.S. troops from Iraq, and
  2. constrain the President's ability as Commander-in-Chief to direct the use of force in Iraq to certain Congressionally pre-approved ends.
- This language is essentially identical to S.J.Res. 9, which the Senate rejected on March 15, and which the President promised to veto.
- Section 1315 demands the "prompt commencement" of a withdrawal of U.S. forces from Iraq, providing that the withdrawal shall begin not later than 120 days after the date of enactment, with the goal of withdrawing all U.S. combat forces from Iraq by March 31, 2008.
- It then, in an effort to constrain the ability of the President as Commander-in-Chief to direct the use of force in Iraq, provides that a "limited" number of U.S. troops may remain in Iraq to:
  1. protect U.S. and coalition personnel and infrastructure,
  2. train and equip Iraqi forces, and
  3. conduct targeted counter-terrorism operations.
- Finally, Section 1315 expresses the sense of Congress that achieving success in Iraq is dependent upon the government of Iraq meeting various benchmarks, most notably:
  - deploying trained and ready Iraqi security forces in Baghdad;
  - strengthening the authority of Iraqi commanders to make decisions without political intervention;
  - disarming militias;
  - enacting and implementing legislation related to:
    - energy resources
    - de-Ba'athification
  - amending the constitution to protect minority rights.

## **Chapter 4: Subcommittee on Energy and Water Development, and Related Agencies**

**Atomic Energy Defense Activities:** Provides \$63.0 million for the National Nuclear Security Administration for Defense Nuclear Nonproliferation activities, which is equal to the President's request but \$87.0 million above the House-passed level.

## **Chapter 5: Subcommittee on Homeland Security**

**U.S. Customs and Border Protection (CBP):** Provides \$140.0 million for Customs and Border Protection which is \$100.0 million above the House-passed level. The President made no request for this account. Included within these funds is: \$100.0 million to enhance the secure freight initiative and to begin implementation of the SAFE Port Act requirements and \$40.0 million to increase officer staffing at northern border ports of entry.

**Air and Marine Interdiction:** Provides \$75.0 million for air and marine interdiction, operations, maintenance, and procurement. Neither the President's request nor the House-passed bill included similar funding.

**Immigration and Customs Enforcement (ICE):** Provides \$20.0 million for salaries and expenses for the Immigration and Customs Enforcement. Neither the President's request nor the House-passed bill included similar funding.

**Transportation Security Administration (TSA):** Provides \$660.0 million for the Transportation Security Administration, which is \$590.0 million below the House-passed level. The President made no request for this account. Included in this funding is: \$600.0 million for the installation of explosives detection systems and \$60.0 million to strengthen air cargo security.

**Federal Air Marshalls:** Provides \$15.0 million for Federal air marshals. Neither the President's request nor the House-passed bill included similar funding.

**Preparedness, Management and Administration:** Provides \$18.0 million for the Office of the Chief Medical Officer. Neither the President's request nor the House-passed bill included similar funding.

**Preparedness, Infrastructure Protection, and Information Security:** Provides \$18.0 million for ensuring that chemical facilities complete and submit vulnerability assessments. Neither the President's request nor the House-passed bill included similar funding.

- Section 1502 would allow States or local governments to pre-empt DHS standards with more regulations. In effect, this destroys the ability of DHS to adopt a single, nation-wide standard for chemical facility security.<sup>2</sup>

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<sup>2</sup> The House bill, H.R. 1591, would make it harder for DHS to achieve this goal.

**FEMA**: Provides \$970.0 million for FEMA. Neither the President’s request nor the House-passed bill included similar funding. Included in these funds is: \$850.0 million for state and local programs and \$100.0 million for Emergency Management Performance Grants to assist State and local governments in updating emergency plans.

**United States Citizenship and Immigration Services (CIS)**: Provides \$30.0 million for CIS. Neither the President’s request nor the House-passed bill included similar funding.

**Science and Technology**: Provides \$15.0 million for Science and Technology for research into improved technology to protect aircraft from explosives and other harmful materials within air cargo. Neither the President’s request nor the House-passed bill included similar funding.

**Domestic Nuclear Detection Office (DNDC)**: Provides \$39.0 million for the DNDC for non-container, rail, aviation, and intermodal radiation detection activities. Neither the President’s request nor the House-passed bill included similar funding.

## **Chapter 6: Subcommittee on Military Construction and Veterans Affairs**

**Military Construction**: Provides \$1.64 billion, which is \$96.0 million below the President’s request and \$134.8 million below the House-passed level.

<b>Military Construction (in millions)</b>	<b>Request</b>	<b>House-passed</b>	<b>Senate Committee</b>	<b>Committee v. request</b>	<b>Committee v. House</b>
Army	1,289.29	1,329.24	1,261.39	-27.90	-67.85
Navy and Marine Corps	390.50	389.30	347.89	-42.61	-41.41
Air Force	60.20	60.20	34.70	-25.50	-25.50
	1,739.99	1,778.74	1,643.98	-96.01	-134.76

## **Chapter 7: Subcommittee on State, Foreign Operations, and Related Programs**

Despite the near unanimous mantra by Democrats that there is only a political solution to the war in Iraq, the Committee provided approximately \$3.0 billion for the State Department’s activities in Iraq, which is \$239 million less than the President’s request.

**Diplomatic and Consular Programs**: Provides \$815.8 million for Diplomatic and Consular Programs for operations and security at U.S. embassies in Iraq, Afghanistan and Sudan and global public diplomacy programs, which is \$97.2 million below the President’s request and \$151.2 million below the House-passed level. Of this funding, \$372.7 million is for **Provincial Reconstruction Teams**, which is \$41.4 million below the President’s request.

**Office of Inspector General**: Provides \$36.5 million for operations of the Special Inspector General for Iraq Reconstruction and oversight operations of a Middle East Regional Office, which is \$1.5 million above the President’s request and \$10.3 million below the House-passed level.

**Educational and Cultural Exchange Programs:** Provides \$25.0 million for educational and cultural exchange programs, which is \$5.0 million above the President's request and the House-passed level.

**International Organizations:** Provides \$59.0 million for Contributions to International Organizations, including \$10.7 million for the Food and Agriculture Organization. Neither the President's request nor the House-passed bill included similar funding.

**Contributions for International Peacekeeping Activities:** Provides \$200.0 million for Contributions for International Peacekeeping Activities, which is equal to the President's request and \$88.0 million below the House-passed level.

**Broadcasting Board of Governors:** Provides \$10.0 million to expand broadcasting activities to the Middle East, which is equal to the President's request and the House-passed level.

**Bilateral Economic Assistance:** Provides \$357.7 million for Bilateral Economic Assistance in funds appropriated to the President, which is \$78.0 million above the President's request and \$46.5 million above the House-passed level. Of this funding, \$161.0 million is to combat the spread of avian influenza and \$187.0 million for International Disaster and Famine Assistance programs.

**Other Bilateral Economic Assistance, Economic Support Fund:** Provides \$2.60 billion for the Economic Support Fund, which is \$532.8 million below the President's request and \$350.8 million below the House-passed bill. Of this funding, \$686.0 million is for **Afghanistan**; \$1.52 billion is for **Iraq**; \$110.0 million is for **Pakistan**; and \$265.0 million is for **Lebanon**. Some of these provided for through the Democracy Fund.

**Assistance for Eastern Europe and the Baltic States:** Provides \$214.0 million for Eastern Europe and the Baltic States for assistance for Kosovo, which is \$65.0 million below the President's request and \$25.0 million below the House-passed level.

**Democracy Fund:** Provides \$465.0 million for activities related to those funded through the Economic Support Fund and Assistance for Eastern Europe and Baltic States. Neither the President's request nor the House-passed bill included similar funding.

**International Narcotics Control and Law Enforcement:** Provides \$210.0 million (not including a \$13.0 million rescission) for International Narcotics Control and Law Enforcement, which is \$50.0 million below the President's request and \$124.5 million below the House-passed level.

**Migration and Refugee Assistance:** Provides \$143.0 million to respond to the urgent needs of refugees in Africa and elsewhere, which is \$71.5 million above the President's request and \$31.5 million above the House-passed level.

**United States Emergency Refugee and Migration Assistance Fund:** Provides \$55.0 million for United States Emergency Refugee and Migration Assistance Fund, which is \$25.0 million above the President's request and \$20.0 million above the House-passed bill.

**Non-proliferation, Anti-terrorism, Demining, and Related Programs:** Provides \$27.5 million for Nonproliferation, Anti-terrorism, Demining, and Related Programs, which is equal to the President's request and \$60.0 million below the House-passed level.

**International Affairs Technical Assistance:** Provides \$2.8 million for International Affairs Technical Assistance for continued development of Iraq's electronic payments systems, which is equal to the President's request and House-passed bill.

**Peacekeeping Operations:** Provides \$323.0 million in funds appropriated to the President for peacekeeping operations, which is \$45.0 million above the President's request and \$98 million above the House-passed bill.

## **Chapter 7: Subcommittee on Transportation, Treasury, and General Government**

**Department of the Treasury:** Provides \$2.8 million for Salaries and Expenses for the International Affairs Technical Assistance Program, which is equal to the President's request and the House-passed level.

**Foreign Military Financing Programs:** Provides \$220.0 million to train the Lebanese armed forces, which is equal to the President's request and \$40.0 million below the House-passed level.

**Peacekeeping Operations:** Provides \$323.0 million for Peacekeeping Operations in Chad, Liberia, Somalia, and Sudan, which is \$45.0 million above the President's request and \$98.0 million above the House-passed level.

## **Title II – Katrina Recovery, Veterans' Care, and for Other Purposes**

### **Chapter 1: Subcommittee on Agriculture, Rural Development, and Related Agencies**

**General Provision:** Section 2101 provides \$115.0 million by allowing the Secretary of Agriculture to continue to enroll eligible participants into the Emergency Forestry Conservation Reserve Program. Neither the President nor the House-passed bill included similar language.

### **Chapter 2: Subcommittee on Commerce, Justice, Science, and Related Agencies**

**State and Local Law Enforcement Assistance:** Provides \$170.0 million for the Edward Byrne Discretionary Grants for State and local law enforcement. Neither the President's request nor the House-passed bill included similar funding. Of this funding \$100.0 million is for security and related costs associated with the 2008 Presidential Candidate Nominating Conventions. Of the remaining \$70.0 million, \$55.0 million is for initiatives in the State of Louisiana to assist local law enforcement initiatives.

**National Oceanic and Atmospheric Administration (NOAA):** Provides \$165.9 million for fisheries disaster recovery efforts, which is \$45.9 million above the House-passed level. The President made no request for supplemental funds for this account. Of this funding, \$60.4 million is for disaster relief for commercial salmon fishermen along the coasts of California and Oregon due to the 2006 salmon fishery failure in the Klamath River.

**Procurement, Acquisition, and Construction:** Provides \$6.0 million for the National Ocean Service's disaster response and preparedness for the Gulf of Mexico Coast. Neither the President's request nor the House-passed bill included similar funding.

**Fisheries Disaster Mitigation Fund:** Provides \$50.0 million for a fund to provide recovery assistance from fishery disasters as determined by the Secretary of Commerce. Neither the President's request nor the House-passed bill included similar funding.

**General Provision:** Section 2201 includes language to allow NASA to use up to \$48.0 million in previously appropriated funding to replenish Shuttle and International Space Station programs.

### **Chapter 3: Subcommittee on Energy and Water Development, and Related Agencies**

**Corps of Engineers Construction:** Provides \$150.0 million to accelerate the completion of unconstructed portions of projects related to interior drainage for the greater New Orleans metropolitan area. Neither the President's request nor the House-passed bill included similar funding.

**Corps of Engineers Operation and Maintenance:** Provides \$3.0 million for emergency dredging needs in Alabama due to the effects of Hurricane Katrina and other hurricanes of the 2005 season. Neither the President's request nor the House-passed bill included similar funding.

**Flood Control and Coastal Emergencies:** Provides \$1.56 billion for repairs to flood and storm damage reduction projects in Louisiana affected by Hurricane Katrina and Rita, Pacific Coast storms of January, April, and November 2006, an earthquake that struck Hawaii in October 2006, and other emergency needs.

**Department of Interior, Bureau of Reclamation, Water, and Related Resources:** Provides \$18.0 million to address drought issues in the 17 Western States. Neither the President's request nor the House-passed bill included similar language.

### **Chapter 4: Subcommittee on Commerce, Justice, and Science**

**Disaster Loans Program:** Provides \$25.1 million to the Small Business Administration for administrative expenses for the Disaster Loan Program Account, which is equal to the House-passed level. The President made no request for supplemental funds for this account.

**General Provisions:** Section 2401 provides \$25.0 million for economic injury disaster loans administered by the Small Business Administration.

## **Chapter 5: Subcommittee on Homeland Security**

**FEMA Disaster Relief:** Provides \$4.31 billion to address the needs of communities impacted by Hurricanes Katrina and Rita, which is \$910.0 million above the President's request and equal to the House-passed level.

## **Chapter 6: Subcommittee on Interior**

**Wildland Fire Management:** Provides \$100.0 million for emergency wildland fire suppression activities to the Bureau of Land Management equal to the House-passed level. The President made no request for supplemental funds for this account.

**United States Fish and Wildlife Service:** Provides \$7.4 million for the detection of avian flu in wild birds, which is equal to the House-passed bill. The President made no request for supplemental funds for this account.

**National Park System:** Provides \$525,000 to the National Park System for the detection of avian flu in wild birds, which is equal to the House-passed bill. The President made no request for supplemental funds for this account.

**Historic Preservation Fund:** Provides \$15.0 million for the Historic Preservation Fund to continue restoration efforts in Louisiana. Neither the President's request nor the House-passed bill included similar funding.

**United States Geological Survey:** Provides \$5.3 million for surveys, investigations, and research for the detection of avian flu in wild birds, which is equal to the House-passed bill. The President made no request for supplemental funds for this account.

**National Forest System:** Provides \$12.0 million for the national forest system to increase law enforcement operations on national forest lands. Neither the Presidents' request nor the House-passed bill included similar funding.

**Wildland Fire Management:** Provides \$400.0 million for emergency wildland fire suppression activities to the National Forest System, which equal to the House-passed bill. The President made no request for supplemental funds for this account. These funds are in addition to the \$100.0 million already provided in this chapter.

## **Chapter 7: Subcommittee on Labor, Health and Human Services, and Education**

**Centers for Disease Control and Prevention (CDC):** Provides \$13.0 million for research to develop mine-safety technology. Neither the President's request nor the House-passed bill included similar funding.

**Low-Income Home Energy Assistance (LIHEAP):** Provides \$640.0 million for the LIHEAP program, which is \$240.0 million above the House-passed bill. The President made no request for supplemental funds for this account.

**Public Health and Social Services Emergency Fund:** Provides \$820.0 million for the Department of Health and Human Services to prepare for an influenza pandemic, which is \$149.7 million below the House-passed bill. The President made no request for supplemental funds for this account.

**Covered Countermeasure Process Fund:** Provides \$50.0 million for the compensation funds established by the Public Readiness and Emergency Preparedness Act, which is equal to the House-passed bill. The President made no request for supplemental funds for this account.

**Higher Education:** Provides \$30.0 million to provide assistance to institutions of higher education that were forced to close, relocate, or significantly curtail activities due to the 2005 gulf coast hurricanes, which is equal to the House-passed bill. The President made no request for supplemental funds for this account.

**General Provisions:** Section 2704 includes language which amends the Social Security Act to provide the additional amount necessary to eliminate anticipated SCHIP funding shortfalls in FY07.

Section 2705 includes language which restricts the Secretary of Health and Human Services from taking certain actions affecting Medicaid and SCHIP, and increases the Medicaid drug rebate for certain drugs.

## **Chapter 8: Subcommittee on the Legislative Branch**

**Capitol Power Plant:** Provides \$25.0 million for continued repairs of utility tunnels that underlie the Capitol complex, which is \$25.0 million below the House-passed level. The President made no request for supplemental funds for this account.

**Government Accountability Office (GAO):** Provides \$374,000 to support an ongoing presence in Iraq by the GAO. Neither the President's request nor the House-passed bill included similar funding.

## **Chapter 9: Subcommittee on Military Construction and Veterans Affairs**

**Base Realignment and Closure Account, 2005:** Provides \$3.14 billion for the Base Closure Account 2005, which is equal to the President's request and the House-passed level.

**Veterans Health Administration, Medical Services:** Provides \$454.1 million for Medical Services, which is \$39.1 million above the House-passed bill. The President made no request for supplemental funds for this account.

**Veterans Health Administration, Medical Administration:** Provides \$250.0 million for Medical Administration, which is \$6.3 million below the House-passed bill. The President made no request for supplemental funds for this account.

**Veterans Health Administration, Medical Facilities:** Provides \$595.0 million for Medical Facilities, which is equal to the House-passed bill. The President made no request for supplemental funds for this account.

**Veterans Health Administration, Medical and Prosthetic Research:** Provides \$30.0 million for Medical Administration, which is \$5.0 million below the House-passed bill. The President made no request for supplemental funds for this account.

**Veterans Benefits Administration, General Operating Expenses:** Provides \$46.0 million for the hiring and training of new compensation and pension claims adjudicators, which is \$16.0 million below the House-passed bill. The President made no request for supplemental funds for this account.

**Department of Veterans Affairs, Information Technology Systems:** Provides \$36.1 million for Information Technology related to technology support and improvements for processing veterans claims, which is \$1.1 million above the House-passed bill. The President made no request for supplemental funds for this account.

**Department of Veterans Affairs, Minor Construction:** Provides \$355.9 million for Minor Construction, which is \$95.9 million above the House-passed bill. The President made no request for supplemental funds for this account.

**General Provisions:** Section 2901 prohibits the use of funds to close or realign any portion of Walter Reed Army Medical Center until certain conditions are met and certified by the Secretary of Defense.

## **Chapter 10: Subcommittee on Transportation, Treasury, and General Government**

**Emergency Relief Program:** Provides \$388.9 million to carry out repair and restoration activities under the Emergency Relief program. Neither the President's request nor the House-passed bill included similar funding.

**Federal Transit Administration Formula Grants:** Provides \$75.0 million to cover emergency expenses associated with the continuation of transit services in communities affected by Hurricanes Katrina and Rita. Neither the President's request nor the House-passed bill included similar funding.

**Housing and Urban Development (HUD) Office of Inspector General:** Provides \$5.0 million for HUD's Office of Inspector General. Neither the President's request nor the House-passed bill included similar funding.

## Title III – Other Matters

**Farm Service Agency:** Provides \$75.0 million for maintenance and repair of the Farm Service Agency’s data processing center located in Kansas City, Missouri. Neither the President’s request nor the House-passed bill included similar funding. Section 3101 includes language that rescinds \$75.0 million in unobligated funds from the Trade Assistance program account for FY07.

**Geothermal Research and Development:** Provides \$22.7 million for geothermal research and development activities. Neither the President’s request nor the House-passed bill included similar funding.

**Capitol Guide Service:** Provides \$3.5 million for the Capitol Guide Service and Special Services Office. Neither the President’s request nor the House-passed bill included similar funding.

**Office of Federal Housing Enterprise Oversight (OFHEO):** Provides \$4.8 million for OFHEO for ongoing litigation and staffing costs associated with the office’s oversight responsibilities for Fannie Mae and Freddie Mac.

**General Provisions:** Section 3608 provides \$2.0 million for the University of Vermont for the Educational Excellence Program.

Section 4001 includes language requiring that the administration’s recently-announced pilot project for the initiation of cross-border trucking with the Republic of Mexico shall be subject to the statutory requirements contained in Title 49 for “pilot programs” conducted by the Federal Motor Carrier Safety Administration.

Sections 4102 and 4102 designate that the funds provided in Titles I and II, respectively, are designated as emergency requirements pursuant to section 402 of H.Con.Res. 95, which provided the following requirements for an emergency designation:

- (A) necessary, essential, or vital (not merely useful or beneficial);
- (B) sudden, quickly coming into being, and not building up over time;
- (C) an urgent, pressing, and compelling need requiring immediate action;
- (D) unforeseen, unpredictable, and unanticipated; and
- (E) not permanent, temporary in nature.

## Title IV – Emergency Farm Relief Act of 2007

**Commodity Credit Corporation Fund:** Provides \$4.192 billion to the Commodity Credit Corporation to make assistance available for production losses and other consequences due to natural disasters.

<b>Emergency Farm Relief Act of 2007 (in millions)</b>	<b>Request</b>	<b>Senate Committee</b>	<b>Committee v. request</b>
Crop Disaster Assistance	0	2,090.00	2,090.00

Livestock Assistance	0	1,553.00	1,553.00
Dairy Producers	0	95.00	95.00
Flood Crop and Grazing Land	0	6.00	6.00
Sugar Beet and Sugar Cane	0	27.00	27.00
Small Business Economic Loss Grant Program	0	100.00	100.00
Tree Assistance Program	0	40.00	40.00
Conservation	0	200.00	200.00
Insect Damage	0	20.00	20.00
Additional Farm Service Agency staff	0	30.00	30.00
Extension of MILC	0	31.00	31.00
	0	4,192.00	4,192.00

Title IV contains language similar to SA 5204, an amendment by Senator Conrad offered last year during floor consideration of H.R. 5384, the Agriculture Appropriations Bill. On December 5, the Senate voted 56 – 38 (Record Vote Number 271) on a motion to waive the Congressional Budget Act, and subsequently, the amendment was ruled out of order.

In addition to losses incurred in calendar years 2005 and 2006, which were covered in SA 5204, Title IV contains language extending the coverage to losses suffered up to February 28, 2007, in order to make crop and livestock damage due to frost, freezing temperatures, or blizzards over the past winter eligible for disaster payments. Producers are required to select one year during the eligibility period for which they would receive benefits. SA 5204 would have provided assistance for multiple years but at a lower payment rate.

Title IV includes a provision to extend the Milk Income Loss Contract (MILC) program by one month, which would increase spending by \$31.0 million in FY07. Extending MILC through the end of 2007 means that at the direction of Chairman Conrad, CBO will assume the program is extended in the baseline for the 10-year budget window. As a result, when the Agriculture Committee actually authorizes extension of the MILC program, it will not be charged any cost for that extension. That means this supplemental is creating a cost that no committee will be charged for – it is a loophole in budget enforcement. Over the 2008-2017 period, this extension would increase spending by \$2.4 billion.

## **Administration Position**

The White House issued a Statement of Administration Policy (SAP) on March 27, 2007. The SAP included two veto threats: 1) the first veto threat is for provisions (Section 1315) that set a date certain for withdrawal and constraining the ability of the President as Commander-in-Chief to

direct the use of force in Iraq and 2) the second veto threat is for extraneous, unrequested spending that is “largely unjustified and non-emergency.”

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### **Cost**

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**Budget Authority:**

(amount in millions)

Fiscal Year 2007 \$121,664

**Outlays:**

(amount in millions)

Fiscal Year 2007 \$32,031

Fiscal Year 2008 \$48,457

Fiscal Year 2009 \$25,284

Fiscal Year 2010 \$10,161

Fiscal Year 2011 (and future years) \$ 5,109

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### **Possible Amendments**

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A number of amendments related to the bill's funding are likely from members of both sides of the aisle, including the following: striking the Iraq withdrawal provisions from the bill as reported out of committee, a tax package offered by Senators Grassley and Baucus, and striking additional non-war related spending.

All amendments must be filed by 2:30 PM on Tuesday, March 27.